



Senate

General Assembly

File No. 461

February Session, 2004

Substitute Senate Bill No. 62

Senate, April 6, 2004

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT PROVIDING BENEFITS AND PROTECTION FOR VOLUNTEER CANINE SEARCH AND RESCUE MEMBERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-249 of the general statutes, as amended by
2 section 1 of public act 03-249, is repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2004*):

4 (a) Any state employee who is an active volunteer firefighter or
5 member of a volunteer ambulance service or company (1) may, with
6 the authorization of such employee's appointing authority, be
7 permitted to leave work in order to respond to fire calls or ambulance
8 calls during such employee's regular hours of employment without
9 loss of pay, vacation time, sick leave or earned overtime accumulation,
10 or (2) shall be permitted to respond to such calls prior to reporting for
11 work without such prior authorization and without loss of pay,
12 vacation time, sick leave or earned overtime accumulation, provided in
13 either case, if requested by such employee's appointing authority, such

14 employee submits a written statement from the chief of the volunteer
15 fire department or the medical director or chief administrator of the
16 volunteer ambulance service or company verifying that such employee
17 responded to a fire or ambulance call and specifying the date, time and
18 duration of such response.

19 (b) Any state employee who is a certified disaster service volunteer
20 of the American Red Cross may, with the authorization of such
21 employee's supervisor, be granted a leave not to exceed fourteen days
22 in each year to participate in specialized disaster relief services for the
23 American Red Cross, upon the request of the American Red Cross,
24 without loss of pay, vacation time, sick leave or earned overtime
25 accumulation.

26 (c) Any state employee who is an active volunteer firefighter or
27 member of a volunteer ambulance service or company may, with the
28 authorization of such employee's appointing authority, be allowed to
29 attend training sessions or drills during such employee's regular hours
30 of employment without loss of pay, overtime accumulation or sick
31 leave.

32 (d) Any state employee who is an active member of a volunteer
33 canine search and rescue team (1) may, with the authorization of such
34 employee's supervisor, be permitted to leave work in order to respond
35 to search or rescue calls during such employee's regular hours of
36 employment without loss of pay, vacation time, sick leave or earned
37 overtime accumulation, or (2) shall be permitted to respond to such
38 calls prior to reporting for work without such prior authorization and
39 without loss of pay, vacation time, sick leave or earned overtime
40 accumulation, provided in either case, if requested by such employee's
41 supervisor, such employee submits a written statement from the chief
42 of the police department verifying that such employee responded to a
43 search or rescue call and specifying the date, time and duration of such
44 response.

45 Sec. 2. Section 12-81w of the general statutes is repealed and the
46 following is substituted in lieu thereof (*Effective October 1, 2004*):

47 The legislative body of any municipality may establish, by
48 ordinance, a program to provide property tax relief for the nonsalaried
49 local director of civil preparedness and for individuals who volunteer
50 their services as a firefighter, emergency medical technician,
51 paramedic, civil preparedness staff, member of a canine search and
52 rescue team or ambulance driver in the municipality. Such tax relief
53 may provide either (1) an abatement of up to one thousand dollars in
54 property taxes due for any fiscal year, or (2) an exemption applicable
55 to the assessed value of real or personal property up to an amount
56 equal to the quotient of one million dollars divided by the mill rate, in
57 effect at the time of assessment, expressed as a whole number of
58 dollars per one thousand dollars of assessed value. Any ordinance may
59 authorize interlocal agreements for the purpose of providing property
60 tax relief to such volunteers who live in one municipality but volunteer
61 their services in another municipality.

62 Sec. 3. Section 53a-167c of the general statutes, as amended by
63 section 1 of public act 03-6 and section 126 of public act 03-19, is
64 repealed and the following is substituted in lieu thereof (*Effective*
65 *October 1, 2004*):

66 (a) A person is guilty of assault of public safety or emergency
67 medical personnel when, with intent to prevent a reasonably
68 identifiable peace officer, firefighter or employee of an emergency
69 medical service organization, as defined in section 53a-3, emergency
70 room physician or nurse, employee of the Department of Correction,
71 employee or member of the Board of Parole, probation officer,
72 employee of the judicial branch assigned to provide pretrial secure
73 detention and programming services to juveniles accused of the
74 commission of a delinquent act, employee of the Department of
75 Children and Families assigned to provide direct services to children
76 and youth in the care or custody of the department, [or] employee of a
77 municipal police department assigned to provide security at the police
78 department's lockup and holding facility, or member of a canine search
79 and rescue team or canine in such team, from performing his or her or
80 its duties, and while such peace officer, firefighter, employee,

81 physician, nurse, member, [or] probation officer or canine is acting in
82 the performance of his or her or its duties, (1) such person causes
83 physical injury to such peace officer, firefighter, employee, physician,
84 nurse, member, [or] probation officer or canine, or (2) such person
85 throws or hurls, or causes to be thrown or hurled, any rock, bottle, can
86 or other article, object or missile of any kind capable of causing
87 physical harm, damage or injury, at such peace officer, firefighter,
88 employee, physician, nurse, member, [or] probation officer or canine,
89 or (3) such person uses or causes to be used any mace, tear gas or any
90 like or similar deleterious agent against such peace officer, firefighter,
91 employee, physician, nurse, member, [or] probation officer or canine,
92 or (4) such person throws or hurls, or causes to be thrown or hurled,
93 any paint, dye or other like or similar staining, discoloring or coloring
94 agent or any type of offensive or noxious liquid, agent or substance at
95 such peace officer, firefighter, employee, physician, nurse, member,
96 [or] probation officer or canine, or (5) such person throws or hurls, or
97 causes to be thrown or hurled, any bodily fluid including, but not
98 limited to, urine, feces, blood or saliva at such peace officer, firefighter,
99 employee, physician, nurse, member, [or] probation officer or canine.

100 (b) Assault of public safety or emergency medical personnel is a
101 class C felony. If any person who is confined in an institution or facility
102 of the Department of Correction is sentenced to a term of
103 imprisonment for assault of an employee of the Department of
104 Correction under this section, such term shall run consecutively to the
105 term for which the person was serving at the time of the assault.

106 Sec. 4. (NEW) (*Effective October 1, 2004*) (a) Any individual who is a
107 member of a volunteer canine search and rescue team may travel on a
108 train or on any other mode of public transportation, and may enter or
109 visit any other place of public accommodation which caters or offers its
110 services or facilities or goods to the general public, including, but not
111 limited to, any public building, inn, restaurant, hotel, motel, tourist
112 cabin, place of amusement, resort or any facility of any such public
113 accommodation, accompanied by the canine member of such team,
114 and he may keep such canine with him at all times in any such public

115 accommodation or facility thereof at no extra charge, provided such
116 team is engaged in a search or rescue operation and such canine shall
117 be in the direct custody of such individual and shall wear a harness or
118 orange-colored identification. No such individual shall be charged any
119 fee not applicable alike to all guests, provided the owner of such
120 canine shall be liable for any damage done to the premises or facilities
121 by such canine.

122 (b) Any person who denies the rights afforded to individual
123 members of a volunteer canine search and rescue team under
124 subsection (a) of this section shall be guilty of a class C misdemeanor,
125 provided such individual member complies with the applicable
126 provisions of subsection (a) of this section.

127 Sec. 5. (NEW) (*Effective from passage*) Any sworn police officer
128 employed by the state or a municipality who takes a leave of absence
129 or resigns from such officer's employment to volunteer for
130 participation in international peacekeeping operations, is selected for
131 such participation by a company which the United States Department
132 of State has contracted with to recruit, select, equip and deploy police
133 officers for such peacekeeping operations, and participates in such
134 peacekeeping operations under the supervision of the United Nations,
135 the Organization for Security and Cooperation in Europe or other
136 sponsoring organization, shall be entitled, upon return from such
137 leave, (1) to be restored by such officer's employer to the position of
138 employment held by the officer when the leave commenced, or (2) if
139 the original position of employment is not available, to be restored to
140 an equivalent position with equivalent employment benefits, pay and
141 other terms and conditions of employment.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>from passage</i>

PS *Joint Favorable Subst. C/R*

JUD

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Various State Agencies	All Appropriated Funds - Cost	Minimal	Minimal
Judicial Dept.; Correction, Dept.	GF - Cost	Potential Minimal	Potential Minimal
Resources of the General Fund	GF - Revenue Gain	Less than 5,000	Less than 5,000

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 05 \$	FY 06 \$
Various Municipalities	Revenue Loss	Potential Minimal	Potential Minimal
Various Municipalities	STATE MANDATE - Cost	Indeterminate	Indeterminate

Explanation

This bill entitles state employees who are active members of a volunteer canine search and rescue team the same protections current law gives to volunteer firefighters and emergency services personnel who respond to calls during, or prior to, coming to work.

Section 1 of the bill entitles active members of canine search and rescue teams to receive full pay when they respond to a search or rescue call during, or prior to, regular work hours. Under the bill, a state employee who is an active member of a canine search and rescue team may respond to emergency calls during regular work hours if the employee received permission from the employee's supervisor.

The bill also requires employees, if requested by their supervisor, to provide a written statement from the police department verifying that

the employee responded to a search or rescue call prior to reporting for work.

It is not known at this time how many state employees are active members of volunteer canine search and rescue teams. It is anticipated that this bill will have a minimal fiscal impact on the state, as current law allows state employees who are volunteer firefighters or volunteer ambulance company personnel to respond to emergency calls during regular work hours, without losing pay, with permission from the employee's appointing authority. It is anticipated that this bill will not significantly increase the number of state employees who respond to search and rescue calls during, or prior to, work hours, and thus will have a minimal fiscal impact on the state.

Section 2 allows municipalities to give property tax relief to members of a canine search and rescue team. Municipalities electing to establish a property tax relief program for members of canine search and rescue teams would experience a minimal loss in their net grand list (assessed value less exemptions allowed under state law). It is assumed that the impact to a municipality would not be significant enough to require an adjustment to their mill rate to offset a minimal grand list reduction.

Section 3 expands the existing criminal penalty of assault on public safety or emergency medical personnel to include a member of a canine search and rescue team or canine in such team. Few such offenses are anticipated. Consequently, the potential, annual cost associated with incarceration or probation under the bill is estimated to be minimal.¹ Any revenue from fines under the expanded penalty would be minimal: only five fines for a total of \$3,500 were imposed in FY 03 although 470 individuals were either convicted or plead guilty to offenses under CGS Section 53a-167c.

Section 4 of the bill allows search and rescue members and their

¹ The annual cost of imprisonment is about \$25,000; the average, annual cost of probation supervision by the Judicial Department's Court Support Services Division is estimated to be \$2,000 (excluding services) to \$3,300 (including services).

dogs to ride on public transportation and enter places of public accommodation without being charged any extra fee. This section has no fiscal impact on the state.

Section 5 gives employment protection to any sworn state or municipal police officers who take a leave of absence or resign to participate in international peace keeping operations. The bill requires that the employing law enforcement department restore the officer to the position, or an equivalent position with equivalent pay and benefits, that the officer held prior to taking leave.

This section may result in indeterminate costs to the state and municipalities. A police department that has an officer participating in an international peace keeping operation will incur costs to hire a new police officer if the peace keeping officer resigned. The department may incur overtime costs to cover shifts if the peace keeping officer took a leave of absence. Police department's will also incur costs when the officer returns from a peace keeping operation. The department will incur increased costs to hire the officer back, plus will still be responsible for the personnel costs for the replacement officer hired.

It is unknown how many state or local police officers will take a leave or resign to participate in international peace keeping operations.

OLR BILL ANALYSIS

sSB 62

**AN ACT PROVIDING BENEFITS AND PROTECTION FOR
VOLUNTEER CANINE SEARCH AND RESCUE MEMBERS****SUMMARY:**

This bill:

1. gives state employees on volunteer canine search and rescue teams the same protections current law gives volunteer firefighters and emergency services personnel who respond to calls during or before coming to work;
2. adds such team members to the volunteer firefighters and emergency services personnel to whom towns may give property tax relief;
3. makes it a class C felony, punishable by imprisonment of one to 10 years, a fine of up to \$10,000, or both, to assault a team dog or handler performing their duties, with intent to prevent them from performing their duties; and
4. allows team members and their dogs engaged in search and rescue operations to ride on public transportation and enter and visit places of public accommodation without being charged any extra fee that does not apply to all guests, as long as the dog is in a harness or wearing orange-colored identification and the handler has direct custody him. The owner is liable for any damage the dog does to the facilities.

The bill gives employment protection to sworn state and local police officers who take a leave of absence to participate in international peacekeeping operations under the supervision of the United Nations (UN), Organization for Security and Cooperation in Europe, or other sponsoring organization. Although the bill also discusses police officers who resign for the same purposes, it does not explicitly provide the same reinstatement privileges for them.

EFFECTIVE DATE: Upon passage for the peacekeepers; October 1, 2004 for the other provisions.

VOLUNTEER CANINE SEARCH AND RESCUE TEAMS

Response to Calls

The bill allows state employees who are active members of volunteer search and rescue teams to respond to search and rescue calls without their employers' permission before they report to work, and with their employers' permission during their regular work hours, without losing pay, vacation time, sick leave, or earned overtime. If the employer requests, the employee must submit a written statement from the police chief verifying and specifying the date, time, and duration of the response.

Property Tax Exemption

The bill allows a town's legislative body to adopt an ordinance providing tax relief to members of volunteer search and rescue teams. Towns may already provide such relief to volunteer firefighters, emergency medical technicians, paramedics, ambulance drivers, and nonsalaried local civil preparedness directors and staff. By law, the relief may take the form of (1) an abatement of up to \$1,000 in property taxes due in any fiscal year or (2) an exemption of \$1 million divided by the mill rate (expressed as a whole number per \$1,000 of assessed value) at the time of the assessment.

Assault on Canine Search and Rescue Dogs and Members

The law makes it a class C felony for anyone, with intent to prevent a reasonably identifiable search and rescue team member and his dog from performing their duties, to assault the dog or team member while they are performing their duties, by doing any of the following to either of them: (1) physically injuring, (2) throwing potentially damaging objects; (3) using tear gas, mace, or similar agents (4) throwing paint, dye, or any other offensive substance; or (5) throwing bodily fluid, such as feces, blood, or saliva.

It is already a class C felony to commit this type of assault on any of the following reasonably identifiable people to prevent them from performing their duties: peace officers, firefighters, emergency medical service personnel, emergency room physicians and nurses, Department of Correction employees, Board of Parole members and employees, probation officers, Judicial Branch employees providing

pretrial secure detention or programming services to delinquent children, some Department of Children and Families employees, and employees of a municipal police department assigned to provide security at the police department's lockup and holding facility.

Public Accommodations

The bill defines a place of "public accommodation" as any place that caters to or offers its services, facilities, or goods to the public, including any public building, inn, restaurant, hotel, motel, tourist cabin, amusement place, resort, or public facility.

JOB PROTECTION FOR POLICE OFFICERS

The bill protects the job of any state or local police officer who takes a leave of absence to participate in international peacekeeping operations under the supervision of the United Nations, the Organization for Security and Cooperation in Europe, or other sponsoring organization. Employment must be with a company the United States has contracted with to recruit, select, equip, and deploy police officers for such operations. The employing department must restore the officer to the position he held when he went on leave or, if unavailable, to an equivalent position with equivalent benefits, pay, and other employment terms and conditions.

The bill also refers to police officers who resign to participate as peacekeepers in the same circumstances. But it does not appear to explicitly provide job protection for such returnees.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Substitute Change of Reference

Yea 22 Nay 0

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 0